

SUPPORT FOR THE AMENDMENTS

Claims 1-15, 21-26, 36, and 37 were previously canceled.

Claims 17 and 19 are canceled herein.

Claims 16, 18, 20, 27, 29, 31, 33, and 35 are presently amended.

The amendment of Claims 16, 18, 20, 27, 29, 31, 33, and 35 are supported by the corresponding claims as previously filed.

The specification has been amended to correct minor typographical errors and errors incurred during translation of the priority document. Support for the amendment to the specification is found in the certified English language translation of the priority document JP 10-098486 (**submitted herewith**), the International Patent Application PCT/JP99/01557, and the enclosed copy of the deposit receipts of biological materials.

No new matter has been added by the present amendment.

REMARKS

Claims 3, 6, 7, 9, 10, 12, and 14-43 are active in this application.

At the outset, Applicants wish to thank Examiner Scheiner for the helpful and courteous discussions with their undersigned Representative on May 18, 2005. During this discussion the disclosure of Cech et al and the scope of the search performed were discussed. In addition, the various sequences disclosed by Cech et al and their relationship to the present invention were discussed. Finally, various amendments and arguments to address the outstanding rejections were discussed. The content of this discussion is believed to be reflected in the present response.

The rejection of Claims 16-17, 19, and 27-35 under 35 U.S.C. §102(e) over Cech et al (U.S. 6,166,178) is obviated by amendment.

This rejection appears to be based on the Examiner's assertion that SEQ ID NO:2 is disclosed by Cech et al. However, it is not apparent where, if at all, the specifically defined sequence in SEQ ID NO:2 is disclosed as alleged. In fact, the only places that appear to disclose any sequence similar to that of SEQ ID NO: 2 is where Cech et al disclose sequences that contain residues 2-19 of SEQ ID NO: 2, these sequences include SEQ ID NOs: 600, 603, 611, 612, 613, and 628. However, each of these sequence fail to disclose or suggest residues 1 or 20 of SEQ ID NO: 2. Moreover, Cech et al do not disclose any other sequence in which the full sequence of SEQ ID NO: 2 is disclosed. Even further, this disclosure fails to disclose or suggest any of SEQ ID NOs: 1, 3, or 6. As such, Cech et al cannot anticipate the claimed invention.

During the discussion between the Examiner and Applicants' Representative, the Examiner asserted that the claims can be interpreted in that SEQ ID NOs: 1, 2, 3, and 6 represent partial peptides, but do not exclude larger fragments that include the sequences since the claims do not define the size of the partial peptides or used closed language to designate the sequences. Applicants note that this assertion is irrelevant as Cech et al do not appear to even disclose larger fragments or full-length sequences that contain the explicitly recited sequences of SEQ ID NOs: 1, 2, 3, or 6.

Nonetheless, to expedite prosecution the present claims have been limited to SEQ ID NOs: 1 and 3. With this amendment, Applicants request that cancellation of SEQ ID NOs: 2 and 6 be without prejudice towards their presentation in a later filed application.

Accordingly, for the same reasons already recognized by the Examiner in the parent application (US 09/424,226), Cech et al fail to disclose or suggest the sequences of SEQ ID NOs 1 and 3. Specifically, Cech et al disclose a method of manufacturing monoclonal antibodies using partial amino acid sequences. For the reasons above, the partial amino acid sequences used by Cech et al are arguably, at best, related to amino acid sequences of SEQ ID NOs: 2 and 6 disclosed in the present application. Cech et al fail to disclose or suggest a method of manufacturing monoclonal antibodies using, in part or in whole, the amino acid sequences of SEQ ID NOs: 1 and/or 3.

In direct contrast to Cech et al, the claimed invention in all instances relates to SEQ ID NOs: 1 and/or 3. Since Cech et al fail to disclose or suggest, e.g., a method of manufacturing monoclonal antibodies using, in part or in whole, the amino acid sequences of SEQ ID NOs: 1 and/or 3, Cech et al fail to disclose or suggest the present invention.

Accordingly, withdrawal of this ground of rejection is respectfully requested.

Finally, the rejection of Claims 18 and 20 under 35 U.S.C. §112, first paragraph (enablement), is traversed.

In regard to hybridomas KM 2311 (FERM BP-6306), KM 2582 (FERM BP-6663), KM 2590 (FERM BP-6683), KM 2591 (FERM BP-6684), and KM 2604 (FERM BP-6664), recited in Claims 18 and 20, the relevant information pertaining to the deposit of these hybridomas may be found on page 27. Further evidence that these strains have been deposited under the terms of the Budapest Treaty is provided by the deposit receipts filed in the parent application (US 09/424,226) on October 8, 2002 (a copy of which is **submitted herewith** for the Examiner's convenience). Applicants further state that all restrictions imposed by the depositor on the availability to the public of the deposited biological material will be irrevocably removed upon granting of a patent on this application.

Accordingly, the enablement requirements of 35 U.S.C. § 112, first paragraph, have been fulfilled, and as such this ground of rejection should be withdrawn.

Applicants submit that the present application is in condition for allowance. Early notification to this effect is respectfully requested.

Respectfully submitted,

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